

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)	
)	
CIRCUIT CITY STORES, INC., et al., Debtors.)	Case No.: 08-35653-KRH
)	(Chapter 11)
REVEREND DWAYNE FUNCHES, Individually, and as Independent Executor of the Estates of Travis Funches, Dione Funches, and Dwayne Funches, Jr., Emily Funches, Lovera Funches, and Shatira Funches, Individually,)	
)	
and)	
)	
CYNTHIA OLOWAY, Individually, and as Special Administrator of the Estate of Cedric Coy Langston, Jr., a Deceased Minor, Movants,)	
)	
v.)	
)	
CIRCUIT CITY STORES, INC., et al., Respondent.)	

AGREED ORDER

This day came the Movants, Reverend Dwayne Funches, Individually, and as Independent Executor of the Estates of Travis Funches, Dione Funches, and Dwayne Funches, Jr., Emily Funches, Lovera S. Funches, and Shatira Funches, Individually (the “Funches”), Cynthia Olloway, Individually and as Special Administrator of the Estate of Cedric Coy Langston, Jr., a Deceased Minor, as a joined party in this matter and proceedings (“Olloway” and collectively with Funches, the “Movants”) and Debtors, Circuit City Stores, Inc. (“Debtors”), by counsel, to be heard upon Movants’ *Motion for Relief from Automatic Stay of 11 U.S.C. § 362(a) and Supporting Memorandum of Law* (the “*Motion for Relief*”), at the final evidentiary hearing.

Based upon the pleadings, testimony presented, stipulations and stipulated exhibits admitted into evidence, and the arguments made at the final evidentiary hearing held on January 29, 2009, and for good cause shown, and in the interests of equity, the Court finding it reasonable and necessary to do so, hereby

ORDERS, ADJUDGES, and DECREES that:

1. The *Motion for Relief* is denied.
2. The automatic stay does **not** apply to the non-debtor defendants, Thomson, RCA, and the City of Chicago, and as such, proceedings may continue without interruption as against those **non-debtor** parties, including, but not limited to, any testing and inspection of the fire artifacts on April 1-3, 2009, or other scheduled date(s);
3. This order shall immediately take effect without any delay and/or the requirement of any finality period is **WAIVED** to facilitate same;
4. As requested by the Movants and agreed to by Debtors, this Order, upon entry, shall be shared with the Cook County Circuit Court and non-debtor defendants in that state court litigation; and
5. The Clerk shall issue copies of this Order, upon entry, to all parties and/or counsel and those listed on the Attached Service List below.

ENTERED ON THE DOCKET: / /

The Honorable Kevin R. Huennekens
United States Bankruptcy Judge
Eastern District of Virginia
Richmond, Virginia

I ASK FOR THIS:

/s/ Lisa Taylor Hudson

C. Thomas Ebel, Esquire – VSB #18637
William A. Gray, Esquire – VSB #46911
Lisa Taylor Hudson, Esquire – VSB #45484
Sands, Anderson, Marks & Miller, P.C.
801 East Main Street, Suite 1800
(Post Office Box 1998)
Richmond, Virginia 23219 (23218-1998)
(804) 648-1636 (Telephone)
(804) 783-7291 (Facsimile)

*Local Counsel for Reverend Dwayne Funches, Individually, and as
Independent Executor of the Estates of Travis Funches, Dione Funches,
and Dwayne Funches, Jr., Emily Funches, Lovera S. Funches, and Shatira
Funches, Individually, and Cynthia Olloway, Individually and as Special
Administrator of the Estate of Cedric Coy Langston, Jr., a Deceased Minor*

SEEN AND AGREED:

/s/ Douglas M. Foley

Douglas M. Foley, Esq.
Sarah B. Boehm, Esq.
McGuire Woods LLP
9000 World Trade Center
101 W. Main Street
Norfolk, VA 23510
Counsel for Debtors, Circuit City Stores, Inc.

PROOF OF SERVICE PURSUANT TO LOCAL RULE 9022-1(C)(2)

I hereby certify that the foregoing proposed Order has been served upon all necessary parties electronically by email as to Debtors, and as to all others by United States Mail, postage prepaid on this 29th day of January, 2009.

/s/ Lisa Taylor Hudson

SERVICE LIST

Daniel F. Blanks, Esquire
Douglas M. Foley, Esquire
McGuire Woods LLP
9000 World Trade Center
101 W. Main Street
Norfolk, VA 23510
Counsel for Debtors

Dion W. Hayes, Esquire
James S. Sheerin, Esquire
Sarah Beckett Boehm, Esquire
McGuire Woods LLP
One James Center
901 E. Cary Street
Richmond, VA 23219
Counsel for Debtors

Gregg M. Galardi, Esquire
Skadden Arps Slate Meagher & Flom, LLC
One Rodney Square
Post Office Box 636
Wilmington, Delaware 19899-0636
Counsel for Debtors

Chris L. Dickerson, Esquire
Skadden Arps Slate Meagher & Flom, LLC
333 West Wacker Drive
Chicago, IL 60606
Counsel for Debtors

Robert Van Arsdale, Esquire
Assistant U.S. Trustee
Office of the U.S. Trustee
701 East Broad Street, Suite 4304
Richmond, VA 23219
Office of the U.S. Trustee

Linda K. Myers, Esquire
Kirkland & Ellis, LLP
200 East Randolph Drive
Chicago, Illinois 60601
Special Counsel for Debtors

David S. Berman, Esquire
Riemer & Braunstein, LLP
Three Center Plaza, 6th Floor
Boston, Massachusetts 02108
Counsel for Bank of America, N.A.

Bruce Matson, Esquire
LeClair Ryan
Riverfront Plaza, East Tower
951 East Byrd Street, 8th Floor
Richmond, Virginia 23219
Counsel for Bank of America, N.A.

Lynn L. Tavenner, Esquire
Tavenner & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, Virginia 23219
*Counsel for the Official Committee of
Unsecured Creditors*

Jeffrey N. Pomerantz, Esquire
Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Boulevard, 11th Floor
Los Angeles, CA 90067
Counsel for the Creditors Committee

Robert J. Feinstein, Esquire
Pachulski Stang Ziehl & Jones LLP
780 Third Avenue, 26th Floor
New York, New York 10017
Counsel for the Creditors Committee